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8 UNITED STATES BANKRUPTCY COURT, NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 In re
11 DONALD CHARLES SCHWARTZ,
12 Debtor.

Case No. 23-50372-MEH
Chapter 13

**STIPULATION ON MOTION FOR
RELIEF FROM THE AUTOMATIC STAY**

13 This stipulation is entered into by and between the Debtor DONALD SCHWARTZ
14 ("Debtor") and Creditors NOAH SCHWARTZ, MARGO SCHWARTZ, and SCHWARTZ
15 FOUNDATION, a California corporation ("Movants"), by and through their respective counsels.

16 Nothing in this agreement is intended or shall be construed as an admission,
17 acknowledgment, or stipulation to any matter of factual dispute in any other proceeding.

18 The parties stipulate as follows:

19 1. Movant's Motion for Relief From The Automatic Stay filed on June 29, 2023,
20 appearing at docket no. 31, shall be GRANTED, and Movant may seek an order providing for the
21 prayed for relief, to wit, an order declaring that Movants may proceed to prosecute the pending
22 State Court Action for the limited purpose of obtaining the requested declaratory and injunctive
23 relief, and to liquidate any sanctions claims or claims for costs against the Debtor arising from the
24 litigation, with the enforcement of and such monetary claims to remain stayed as to the Debtor
25 pending further order of this court; and waiving the effect of FRBP 4001(a)(3);

26 2. Movants shall withdraw their filed proofs of claim, to wit, claims numbers 5, 6 and
27 7 filed on June 15, 2023, shall be withdrawn;
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1 3. Movants shall withdraw the filed Objection to Confirmation of Chapter 13 Plan,
2 appearing at docket no. 22, filed on May 22, 2023.

3 This Stipulation may be executed in any number of counterparts, each of which so
4 executed shall be deemed to be an original and the counterparts shall together constitute one and
5 the same Stipulation. Photocopies and facsimile copies of original pages may be deemed as
6 originals.


7 DATED: July 20, 2023

LAW OFFICES OF AARON LIPTON

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9 By: /s/ Aaron Lipton
10 Aaron Lipton
11 Attorneys for Debtor

12 DATED: July 20, 2023

FENNEMORE WENDEL

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14 By: 
15 Mark S. Bostick
16 Attorneys for Creditors Margot Schwartz,
17 Noah Schwartz and the Schwartz Foundation
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